IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1469 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NATUBHAI SOMABHAI PATEL MANAGING TRUSTEE AND PRINCIPAL

Versus

BABUBHAI RANCHHODBHAI ROHIT

Appearance:

1. Special Civil Application No. 1469 of 1999

MR PRADEEP PATEL for Petitioner No. 1-2

MR HJ NANAVATI for Respondent No. 1

MR N.D.GOHIL, AGP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 01/10/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Nikhil Joshi appearing with learned advocate Mr. Pradeep Patel for petitioners,

learned AGP Mr. N.D.Gohil appearing on behalf of District Education Officer, District Kheda respondent No.2 and learned advocate Mr. H.J.Nanavati appearing on behalf of respondent No.1.

2. When the matter has been taken up by this Court, learned advocate Mr. Joshi has submitted that this petition may be treated against the order passed by the Tribunal in respect of the application No. 368 of 1994 and petitioner has not filed any separate petition against the order in respect of application No. 58 of 1993. However, Mr. Joshi submitted that petitioners having no grievance about setting aside the termination order dated 22.6.1994 by the Tribunal which violated Section 36 of the Act. He also submitted that District Education Officer has partly implemented the order passed by the Tribunal while declaring surplus to respondent No.1 by order dated 4.3.1999. Mr. Joshi also pointed out that now respondent No.1 has already been reinstated in Aakdole High School as per direction issued by the District Education Officer, District Kheda, therefore, according to learned advocate Mr. Joshi now petitioners having no other grievance and according to him this petition has become infructuous. In view of this fact, present petition is disposed of having become infructuous. Rule is discharged. No order as to costs.

(H.K.Rathod,J)

Jayanti*